

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 3<sup>rd</sup> day of August, 2009 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor  
Jay Attaway, Mayor Pro Tempore  
Vickie Abrego, Council Member  
Phillip Hyatt, Council Member  
Karen Mayer, Council Member

ABSENT:

ADMINISTRATIVE PERSONNEL PRESENT: Mike Sullinger, Interim City Manager  
Allen Lawrence, City Attorney

ADMINISTRATIVE PERSONNEL ABSENT: Ada Owens, City Secretary

STAFF PRESENT: Bill Haines, Asst. Police Chief/Harbormaster  
Rickie Kilgore, Fire Chief  
Paul Alvarado, Public Works Director  
Cande Torres, Utility Superintendent  
Yvonne Stonebraker Administrative Assistant

OTHERS PRESENT: Lu & Ralph Arcemont, Rosemary Vega/Chamber of Commerce, Mike Keller, Jim & Alpha Covington

*There may have been others present who did not sign in.*

**ITEM 1. CALL MEETING TO ORDER.**

Mayor Knight called the meeting to order at 7:00 p.m. on August 3, 2009.

**ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

**ITEM 3. CONSENT AGENDA:** *“All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.”*

- A. Consider and Act on Approval of Minutes of July 20 and July 27, 2009.
- B. Consider and Act on Approval of Ordinance 2009-3960 – Approving the rezoning of Farmlots 8 and 9, Landblock 72, City of Aransas Pass, San Patricio County, Texas, from General Business to RV Park.
- C. Consider and Act on Approval of Ordinance 2009-3961 - A Conditional Use Permit to host a Farmer’s Market/Trader’s Day on Lots 8 thru 16, Block 512, more commonly known as 130 W. Goodnight Avenue, City of Aransas Pass Texas, subject to conditions set forth.

Mayor Pro Tempore Attaway made the motion to approve the Consent Agenda. Council Member Abrego seconded the motion and the motion carried unanimously.

**ITEM 4. PRESENTATION OF PROPOSED 2009-2010 BUDGET.**

Interim City Manager Mike Sullinger stated the effective tax rate was \$0.59 and the rollback tax rate was \$0.66. He stated the budget, at this time, was \$200,000.00 short. He stated the senior tax freeze, which was effective this year, was a factor in the shortfall by approximately \$75,000.00. He stated revenue was down in all departments.

Finance Director Sandy Roddel distributed the 2009-2010 Budget to the City Council.

**ITEM 5. CONSIDER AND ACT ON SCHEDULING BUDGET WORKSHOP DATES.**

Council Member Mayer made the motion to schedule Budget Workshops for 7:00 p.m. at City Hall on August 13, August 19 and August 20, 2009. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 6. CONSIDER AND ACT ON APPOINTING A CITY COUNCIL REPRESENTATIVE FOR THE SAN PATRICIO ECONOMIC DEVELOPMENT CORPORATION.**

After discussion, Mayor Pro Tempore Attaway made the motion to appoint Council Member Hyatt as the City Council representative for the San Patricio Economic Development Corporation. Council Member Mayer seconded the motion and the motion carried unanimously.

**ITEM 7. CONSIDER AND ACT ON MOVING THE CITY FLAG POLES FROM THE WHEELER/CLEVELAND TRAFFIC ISLAND TO A LOCATION AT CITY HALL.**

After discussion regarding trimming the palm trees (to protect the flags from damage) and lighting the flags on the traffic island, Council Member Mayer made the motion not to move the flag poles from the Wheeler/Cleveland traffic island to a location at City Hall. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 8. CONSIDER AND ACT ON T-MOBILE'S REQUEST TO MODIFY THEIR CELL SITE LEASE WITH THE CITY OF ARANSAS PASS.**

Mr. Sullinger stated there were two antennas on the water tower presently. He stated the Clearwire (antenna) lease paid the City approximately \$1,800.00 per month. He stated T-Mobile had hired a separate company to negotiate with the City on a long term lease. He stated the contract included giving T-Mobile four year free rent. He stated he had conferred with the City's financial advisor and the City's auditor and concluded it would be in the best interest of the City to keep the present contract with T-Mobile. He stated he thought T-Mobile would renew their present lease in November or December. He stated T-Mobile paid the City \$1,600.00 per month and the payment increased every year.

After discussion, Council Member Abrego made the motion to deny the request of T-Mobile to modify their cell site lease with the City of Aransas Pass. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 9. CITIZENS' COMMENTS.**

Ralph Arcemont praised the Fire Department for their fast action on a recent fire. He stated the new Public Works Director, Paul Alvarado, was doing a good job.

Mike Keller, a consultant to the Center of Missing and Exploited Children, announced a Memorial Service for Elisa Roberson, missing for twenty years, would be held at Kieberger School, August 6, 2009 at 10:00 a.m.

**ITEM 10. RECESS REGULAR MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Recessed into Executive Session at 7:19 p.m.

A. Section 551.074 Deliberations Regarding Personnel – City Attorney

B. Section 551.071 Consultation with City Attorney – Legal Matters

**ITEM 11. RECONVENE IN REGULAR MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Reconvened into Open Session at 7:41 p.m.

A. Section 551.074 Deliberations Regarding Personnel – City Attorney

No action taken.

B. Section 551.071 Consultation with City Attorney – Legal Matters

Mayor Pro Tempore Attaway made the motion to authorize Mayor Knight to execute legal documents to settle litigation with former City Manager Kandi Hubert. Council Member Mayer seconded the motion and the motion carried unanimously.

**ITEM 12.**

Council Member Abrego made the motion to adjourn the meeting. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

Mayor Knight adjourned the meeting at 8:43 p.m.

Tommy Knight, Mayor

ATTEST:

Ada Owens, City Secretary